



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of SOON KIM, Trustee,
Humboldt County General Hospital Board of Directors,
Humboldt County, State of Nevada,

**Request for
Opinion No. 09-11C**

Subject.

**NOTICE OF HEARING
and
PANEL DETERMINATION**
(NRS 281A.440 and NAC 281A.450)

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Soon Kim (Kim) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281 of the Nevada Administrative Code.

The purpose of the hearing is to determine whether a violation of the Nevada Ethics in Government Law occurred. Further, if a violation is found, whether such violation is willful and whether the Commission, pursuant to NRS 281A.480, will impose any penalties.

THE HEARING WILL TAKE PLACE:

**May 14, 2009 beginning at 1:30 p.m., or as soon thereafter as the
Commission is able to hear the matter, at the following location:**

**Boardroom of the State of Nevada Gaming Control Board
1919 E. College Parkway
Carson City, NV.**

Kim must be present when this matter is called. If Kim is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination

below. Please direct any hearing scheduling matters to **Patricia D. Cafferata, Executive Director, Esq., and (775) 687-5469, ext. 222.**

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Kim has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on her behalf.

Kim has the right to request that the Commission issue subpoenas on her behalf to compel witnesses to testify and/or produce evidence. In making this request, she may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, NAC 281A and recently adopted regulations LCB File No. R084-08. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Issues and Jurisdiction

In her public capacity, Kim is a Trustee for the Humboldt County General Hospital Board of Directors (Board), a public officer as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

An Ethics Complaint was filed against Kim alleging that she violated NRS 281A.400.2 when used her public position for private gain; and that she violated NRS 281A.420.2 and NRS 281A.420.4 when she failed to disclose her pecuniary interest and failed to abstain from voting to approve the Humboldt County General Hospital's "weekly check run" that included a check for \$7,078.47 payable to herself.

Panel Proceeding

On April 9, 2009, pursuant to NRS 281A.440.3, a Panel consisting of Commissioners George Keele and J.T. Moran, III reviewed the following: Ethics Complaint; Kim's response to the Complaint; Investigator's Report; Executive Director's recommendation; and the evidence collected.

On the individual allegations, the panel unanimously found as follows:

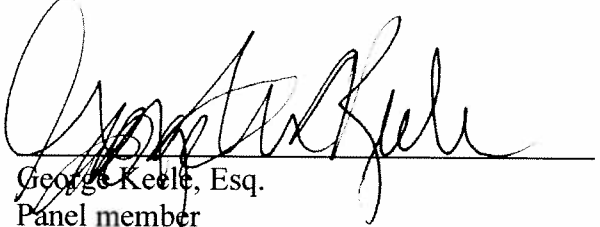
- 1.) Kim is a public officer, as defined in NRS 281A.160.
- 2.) **Just and sufficient cause DOES NOT** exist for the commission to render an opinion on whether Kim violated NRS 281A.400.0 when she received a check for \$7,078.47 from the Humboldt County General Hospital. Kim's employment contract with the hospital states that she is entitled to reimbursement and the check for \$7,078.47 was a reimbursement under the terms of her contract. She did not receive an unwarranted privilege. Therefore, this allegation is **dismissed**.

- 3.) **Just and sufficient cause EXISTS** for the Commission to render an opinion on the allegations that Kim violated NRS 281A.420.2 when she failed to abstain on the Humboldt County General Hospital's "weekly check run" that included a \$7,078.47 check payable to her. The minutes and weekly check run of February 24, 2009 show she voted to approve the payment to herself. Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.
- 4.) **Just and sufficient cause EXISTS** for the Commission to render an opinion on the allegations that Kim violated NRS 281A.420.4 when on February 24, 2009, Kim failed to disclose her pecuniary interest in the \$7,078.47 check in the Humboldt County General Hospital's "weekly check run". The minutes of February 24, 2009 do not reflect a disclosure by Kim of her pecuniary interest. Therefore, this alleged violation is referred to the Commission for a hearing to render an opinion.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing only on the allegations against Kim for her failure to disclose her pecuniary interest and her failure to abstain from voting on the "weekly check run" on February 24, 2009.

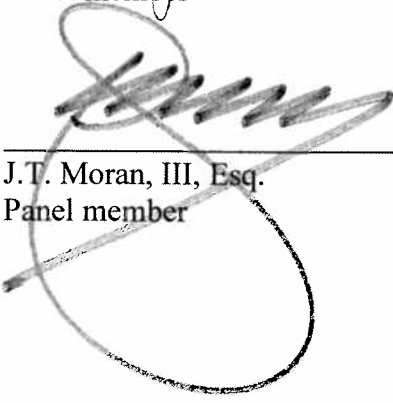
Dated:

13 April 2009


George Keele, Esq.
Panel member

Dated:

15TH APRIL '09


J.T. Moran, III, Esq.
Panel member